IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

SUO MOTU CRI.WRIT PETITION NO. 01 OF 2004

Shri Dundappa Balappa Nignur .. Petitioner.

V/s.

D.I.G. Prison,
Western Region, Yerwada, Pune & Ors. .. Respondents.

Through Jail
Smt. Rucheeta R. Dhuru (appointed) for the Petitioner.
Ms.P.H. Kantharia, APP for Respondents.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 24, 2005

PC :-

1. Heard counsel for the parties.

2. These proceedings have been initiated as suo motu petition consequent to the communication received from the prisoner for his release on parole. Learned APP points out that no reason has been mentioned in the application for parole, as filed, which are otherwise available to the prisoners under the Prisons Rules. In that sense, no ground for parole leave is made out in the application. There is substance in this submission. It is further brought to my notice that the same prisoner had filed proceedings in this

court being writ petition No. 1317/2003, questioning the order passed by the competent authority, rejecting the furlough leave. This court was pleased to uphold the order passed by the competent authority and dismissed the writ petition of the petitioner.

3. In case the petitioner is interested for being released on furlough leave or parole leave, he may make a formal application in that behalf through proper channel to the competent authority, who shall finally decide the same within six weeks from the date of presentation of such application. That application will have to be decided on its own merits in accordance with law.

4. No further directions are warranted on this petition. Hence disposed of.

5. Copy of this order be forwarded to the petitioner as this petition is filed through jail.

6. The court expresses word of appreciation for the able assistance given by Mrs. Rucheeta Dhuru, as "amicus curiae".

7. Ordered accordingly.

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